

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE UNITE HERE NATIONAL
RETIREMENT FUND, f/k/a THE HOTEL
EMPLOYEES AND RESTAURANT
EMPLOYEES INTERNATIONAL UNION
PENSION FUND,

RICHARD N. RUST, as fiduciary of THE
UNITE HERE NATIONAL RETIREMENT
FUND,

Plaintiffs,

vs.

ARAMARK EDUCATIONAL SERVICES,
LLC, a Delaware limited liability company,
f/k/a ARAMARK EDUCATIONAL
SERVICES, INC.,

Defendant.

CASE NO. 08 CV 2887

JUDGE ST. EVE

MAGISTRATE JUDGE MASON

**DEFENDANT’S MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF
DEFENDANT’S MOTION TO REASSIGN AND CONSOLIDATE BEFORE JUDGE
KENDALL OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF TIME TO
ANSWER OR OTHERWISE PLEAD**

Defendant, ARAMARK EDUCATIONAL SERVICES, LLC, f/k/a Aramark Educational Services, Inc. (“Aramark”), by its attorneys, respectfully moves this Court for an order staying all proceedings in this matter pending resolution of Defendant’s Motion to Reassign And Consolidate Before Judge Kendall. In the alternative, Aramark hereby requests that the Court grant it a thirty-day extension of time, or until August 11, 2008, to file its answer or other responsive pleading to Plaintiff’s Complaint at Law. In support of its Motion, Aramark states as follows:

1. On May 19, 2008, Plaintiffs filed their Complaint with the Clerk of the Court and issued a summons as to Defendant.

2. On or about May 19, 2008, Defendant was served with the Complaint. Pursuant to Fed. R. Civ. P. 8, and according to the summons, the Answer to the Complaint was due within twenty days of service, or on June 9, 2008.

3. On June 3, 2008, Aramark filed a Motion For An Extension Of Time To Answer Or Otherwise Plead. (Docket Entry No. 11).

4. This Court granted Aramark's motion on June 4, 2008, and extended the deadline for Aramark's responsive pleading to July 9, 2008. (Docket Entry No. 13).

5. On July 2, 2008, Aramark filed a Motion To Reassign And Consolidate Before Judge Kendall, which is scheduled for hearing before Judge Kendall on July 9, 2008. (Case No. 08-2883, Docket Entry Nos. 16 and 17). A copy of the Motion To Reassign And Consolidate Before Judge Kendall will be hand delivered to this Court on July 3, 2008. The Motion To Reassign And Consolidate Before Judge Kendall requests that related lawsuits pending before this Court (Case No. 08-2887) and Judge Kocoras (Case No. 08-2938) be reassigned to Judge Kendall and that all three lawsuits (Case Nos. 08-2883, 08-2887 and 08-2938) be consolidated. No responsive pleadings have been filed in any of the three lawsuits.

6. Accordingly, Aramark requests that this Court enter an order staying all proceedings pending resolution of Aramark's Motion To Reassign And Consolidate Before Judge Kendall. In the alternative, Aramark requests thirty (30) days, up to and including August 11, 2008, to answer or otherwise plead to Plaintiffs' Complaint.

WHEREFORE, Aramark respectfully requests that this Court grant this Motion and enter an order staying all proceedings until Aramark's Motion To Reassign And Consolidate Before

Judge Kendall has been resolved. In the alternative, Aramark respectfully requests that this Court grant it an extension of thirty days to answer or otherwise plead to Plaintiffs' Complaint.

Dated: July 2, 2008

Respectfully submitted,

ARAMARK EDUCATIONAL SERVICES,
LLC, f/k/a ARAMARK EDUCATIONAL
SERVICES, INC.,

By: /s/ Stephanie L. Sweitzer
One of Its Attorneys

Thomas F. Hurka
Stephanie L. Sweitzer
MORGAN, LEWIS & BOCKIUS LLP
77 W. Wacker Drive, Fifth Floor
Chicago, IL 60601
Tel.: 312.324.1000
Fax: 312.324.1001
thurka@morganlewis.com
ssweitzer@morganlewis.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Defendant's Motion To Stay Proceedings Pending Resolution Of Defendant's Motion To Reassign And Consolidate Before Judge Kendall Or, In The Alternative, For An Extension Of Time To Answer Or Otherwise Plead was served via the Court's CM/ECF (Electronic Case Filing) System on:

Laura M. Finnegan
Attorney for the Plaintiffs
BAUM SIGMAN AUERBACH &
NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
lmfinnegan@baumsigman.com

on July 2, 2008.

/s/ Stephanie L. Sweitzer